

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO.98-226-E - ORDER NO. 98-645

AUGUST 26, 1998

IN RE: Application of Carolina Power & Light Company for Approval to Terminate its EZ- \$64 Residential Load Control Program.	) ) ) )	ORDER GRANTING WITHDRAWAL AND DENYING PETITION AND MOTION
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Nucor Steel (Nucor) to withdraw its intervention in this matter, and on the Petition for Reconsideration of our Order No. 98-572 and Motion for Summary Judgment filed by Carolina Power & Light (CP&L). In addition, Duke Energy (Duke) filed a letter in support of CP&L's documents.

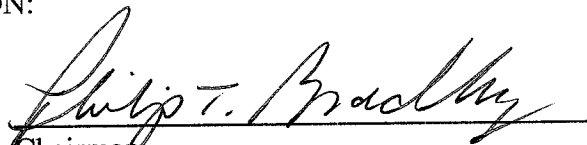
Nucor notes that in CP&L's Petition, CP&L committed to Nucor and the Commission that it will not attempt to modify LGS-CUR-TOU 83 without Nucor's consent for an additional 5 years. Nucor states that in reliance upon, and in acceptance of this commitment, Nucor is willing to forego further participation in this proceeding. Under this condition, the Commission hereby approves Nucor's withdrawal from this proceeding.

Next, CP&L filed a Petition for Reconsideration of our Order No. 98-572 and Motion for Summary Judgment. CP&L's Petition and Motion was partially based on the fact that we allowed Nucor to intervene as part of Order No. 98-572. Since Nucor has

now been allowed to withdraw, this portion of CP&L's Petition for Reconsideration and Motion for Summary Judgment is rendered moot. The remainder of CP&L's document concerns the need for a hearing in this matter. CP&L has attached an affidavit to attempt to explain why the program in question, the EZ-\$64 program is no longer operationally or economically effective. We note, however, that the Consumer Advocate for the State of South Carolina (the Consumer Advocate) remains as an intervenor in this matter, and is raising some economic issues related to the program. We believe that this creates an outstanding issue of fact for us to consider. We must therefore deny the remainder of CP&L's Petition and Motion, and we continue to believe that a hearing should be held, unless these issues can be resolved to our satisfaction.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Acting Executive Director

(SEAL)